

App. No.: 10/731,820
Inventor: Guillermo Guzman et al.
Title: Water Filter

Filed: 12/09/2003
Examiner: Kim, Yoon Young
Group Art Unit: 1723

REMARKS/ARGUMENTS

In the Claims:

Claims 1-23 remain pending in the present application. Claims 1, 4-6, 8, 10-12, 14-17, 19-21, 23 are currently amended.

The Patent Applicant acknowledges the comprehensive review by the U.S. Patent Office ("Patent Office") in rendering its office action in this proceeding, which raises all possible interpretations with respect to the asserted references in construing the patentability of the claims in question. The Patent Applicant has carefully considered these interpretations with respect to the asserted references and respectfully urges that the claims as they stand (as amended) remain distinct from and patentable over the art asserted by the Examiner. Examples of the various ways by which the claims remain distinct are demonstrated below.

Claim Objections

The Examiner has objected to claim 20 for being dependent on claim 29 which does not exist. Claim 20 has been amended to proper form to depend on claim 19.

Rejection of Claims 1-5, 8-14, 16-18, and 21-22 Under 35 U.S.C. § 102(b)

The Examiner rejected claims 1-5, 8-14, 16-18, and 21-22 under 35 U.S.C. § 102(b) as being anticipated by Farley, U.S. Patent No. 6,325,930. For a claim to be anticipated by a single reference under 35 U.S.C. Section 102(b), that reference must on its own satisfy each and every recitation in that claim. *See, e.g., Upsher-Smith Laboratories, Inc. v. PamLab, L.L.C.*, 412 F.3d 1319, 1323-24 (Fed. Cir. 2005).

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Respectfully, with respect to the claims rejected under 35 U.S.C. Section 102(b), the Patent Applicant demonstrates below that all limitations of the claims are not met by the asserted art. Examples of the differences are set forth below together with the support in the specification for those limitations. Accordingly, the Patent Applicant respectfully submits that the rejections under 35 U.S.C. Section 102(b) should be withdrawn.

The Examiner states in the Office Action that the cited Farley reference teaches a water filter assembly (#38) having a recess (#42) for accepting a pivotable element (#16) as recited in the originally filed claims. Applicant respectfully disagrees with the Examiner's reading of the Farley patent. In Farley, the pivotable element (#16) is attached to a recess (#18) in the outer body portion (#20) of the showerhead, the recess for attaching to the pivotable element is not in the water filter cartridge (#38). See, e.g., col. 2, ll. 35-38 (stating "ball joint or swivel ball is 16 is rotatably held in a recessed opening 18 formed in a top surface of a top or upper 22 of the body 20").

Accordingly, in Farley, the water filter assembly or cartridge (#38) is not mechanically attached to pivotable element (#16) and therefore not attached to the water pipe. In Farley, although the water filter cartridge (#38) is held in place in between the hollow space formed by the top and bottom mating halves (#22, #24) of the filter body, the cartridge (#38) is not mechanically attached to any other components. Accordingly, when the top and bottom mating halves (#22, #24) are unscrewed and separated, the water filter cartridge (#38) is free to drop out of the filter body (#20). This shortcoming of Farley could lead to injury to users as the water filter cartridge (#38) is of substantial weight. For example, when the threaded inlet end (#12) of Farley's

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filter is connected to a shower water pipe the shower head (#10) is held in place. When it comes time to replace the filter cartridge (#38), an unsuspecting user may simply unscrew the bottom mating half (#24) from the top mating half (#22). When the user then removes the bottom mating half (#24), the filter cartridge, which again is not attached to any other component, might easily fall out and fall on the user. A water filter cartridge falling from shower head height onto a user's foot could cause substantial injury and pain.

On the other hand, Applicant's invention as claimed solves this problem by attaching the pivotable element directly to the water filter cartridge. See, e.g., paragraphs [0003-0004] specification (distinguishing Applicant's invention from Farley). Accordingly, with Applicant's invention (referring to Figure 2A), because the water filter cartridge (#18) is mechanically attached to the pivotable element (#22), which is mechanically attached to the water pipe coming out of the shower wall, the cartridge (#18) will not fall out of the body of the shower head when installed. So for example, if a user wishing to replace the cartridge (#18) unscrews the face portion (#16) from the body portion (#12), the cartridge (#18) will not fall out as it is connected to the pivotable element (#22) and the water pipe coming out of the wall of the home. Accordingly, the Applicant's invention provides a substantial improvement over the cited reference of Farley.

To better distinguish the present invention, the Applicant has amended all of the independent claims (claims 1, 14, 21) to better clarify that the pivotable element, when installed, is attached on one end to the water filter cartridge and on the other end (e.g., through a threaded inlet) to the water pipe. Accordingly, as the patent claims as

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amended now clearly distinguish Applicant's invention from the cited Farley reference, the Patent Applicant respectfully submits that the rejections under 35 U.S.C. Section 102(b) be withdrawn.

Rejection of Claims 6-7, 15, 19-20, 23 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 6-7, 15 under 35 U.S.C. § 103(a) as being unpatentable over Farley in view of Amdahl, U.S. Patent No. 5,653,548.

The Examiner rejected claims 19-20, and 23 under 35 U.S.C. § 103(a) as being unpatentable over Farley in view of Fienhold et al., U.S. Patent No. 4,190,207.

As argued above, the rejection is respectfully traversed as none of the cited references teach or suggest the subject matter of claims. More specifically, none of the cited references teach or suggest a pivotable element that is attached on one end to the water filter cartridge and on the other end to the water pipe. As claimed, the present invention provides a substantial improvement over the prior art by providing a safe filter having a water filter cartridge that will not fall out during replacement. Therefore, the Applicant submits that there are material differences between the teachings of the cited references and the subject matter of the pending claims. As such, the Applicant respectfully submits that Farley, alone or in combination with Amdahl or Fienhold et al., cannot support a rejection of claims 6-7, 15, 19-20, 23 under 35 U.S.C. § 103(a).

When properly viewed against the applicable standard, the Patent Applicant respectfully submits, and shows in detail below, that the rejected claims are distinct from and patentable over the prior art as applied under 35 U.S.C. Sections 102 and 103.

The claims at issue define substantial improvements over the applied art in the form of

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combinations of functionalities and components that perform those functionalities.

Applicant respectfully submits the claimed subject matter would have been unobvious to a person of ordinary skill at the time of the inventions claimed in this patent.

Accordingly, the Patent Owner respectfully requests the U.S. Patent Office to confirm all of the claims as presently amended.

CONCLUSION

The Applicant has amended claims 1, 4-6, 8, 10-12, 14-17, 19-21, 23 in this Response to more clearly describe the present invention. The Applicant has also distinguished the subject matter of the present invention over the teachings of the references cited as prior art by the Examiner.

Therefore, the Applicant respectfully submits that the present application is now in condition for allowance, and entry of the present amendment and allowance of the application as amended is earnestly requested. Telephone inquiry to the undersigned in order to clarify or otherwise expedite prosecution of the present application is respectfully encouraged.

Respectfully submitted,

Date: February 28, 2006

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